

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

D&M FARMS, MARK HASTY, and
DUSTIN LAND, individually and on
behalf of all others similarly situated,

Plaintiffs,

v.

BIRDSONG CORPORATION and
GOLDEN PEANUT COMPANY, LLC,

Defendants.

Civil Action No. 2:19-cv-00463

Honorable Henry C. Morgan, Jr.
Honorable Lawrence R. Leonard

DEFENDANT GOLDEN PEANUT'S MOTION TO DISMISS

Defendant Golden Peanut hereby moves the Court, pursuant to Federal Rule of Civil Procedure 12(b)(6), for the entry of an order dismissing with prejudice Plaintiffs' Complaint, for failure to state a claim upon which relief may be granted. The grounds in support of this Motion are set forth in Defendant Golden Peanut's Memorandum in Support of Its Motion to Dismiss and accompanying exhibits.

Dated: October 21, 2019

Respectfully submitted,

/s/ K. Ross Powell

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*Attorneys for Defendant,
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CERTIFICATE OF SERVICE

I certify that on October 21, 2019, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which sends an electronic copy of the foregoing to all counsel of record in this case.

/s/ K. Ross Powell

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